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**Via online submission**

Committee on Transportation and the Environment  
 c/o Councilmember Charles Allen,  
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Committee on Public Works and Operations  
 c/o Councilmember Brianne K. Nadeau,  
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 Council of the District of Columbia  
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Re: Testimony on four bills: **B25-421** (“License Suspension Reform”); **B25-422** (“Automated Traffic Enforcement”); **B25-425** (“Strengthening Traffic Enforcement, Education, and Responsibility (‘STEER’)”); and **B25-435** (“Fraudulent Vehicle Tag Enforcement”)

Dear Councilmembers:

Thank you for the invitation to provide testimony on the abovementioned bills introduced to D.C. Council. I applaud your efforts to address risks posed by reckless drivers both via the creation of a robust enforcement policy, as envisioned in the abovementioned bills, and via your support for investments in design and engineering.

**All four bills provide for measures that could improve road safety in the District.** Many of these measures are concrete, supported by available evidence, and consistent with the practices of other jurisdictions (e.g., assigning demerit points for infractions caught on speed and red-light cameras).

Benefits from **other interventions are more speculative and uncertain.** This includes (i) the expanded use of **vehicle immobilization** (e.g., booting) given the very low rate at which vehicles are booted in the District; and (ii) the use of **driver improvement programs** (e.g., completion of safety courses) in light of available evidence that suggests that they do not reduce risk of crashes.

I provide detailed comments below on each of the four bills introduced. Comments on the use of booting and driver improvement programs are concentrated in my response to B25-245 (“STEER”).

**B25-0421 - License Suspension Reform Amendment Act of 2023**

This bill provides for the suspension of the driver’s license and registration of any person charged with certain serious crimes related to the operation of motor vehicles pending the outcome of legal proceedings. This intervention is sensibly targeted at drivers that, as a group, pose a higher-than-average risk of causing injury and death.

**There is strong evidence that driver’s license suspensions are among the most effective interventions for reducing risk of future crash, as people with suspended licenses tend to respect the suspensions.<sup>1</sup>**

This bill could be strengthened by providing for:

- The suspension of licenses and registrations of other categories of driver, notably, **those who are found at fault in fatal crashes and those with a history of deliberate moving violations**. As summarized in my letter from June 6, 2023<sup>2</sup>, involvement in fatal crashes and a history of deliberate moving violations are the two best predictors of future risk. This bill would seem to address a relatively small subset of those drivers, i.e., those who are charged with specific crimes in connection to traffic crashes.
- A **mandatory workflow** subject to oversight from the Council to ensure that **police and court documents are actually acted upon by the D.C. Department of Motor Vehicles (DMV)**. As was widely reported following the Rock Creek Parkway crash<sup>3</sup>, the D.C. DMV frequently fails to suspend licenses when it is required to do so. Increasing the frequency of license suspension directives is likely to pose logistical challenges for the DMV that is currently not fulfilling its duties under the status quo.
- A **mandatory workflow** subject to oversight from the Council to ensure that **police and court documents are transmitted to the DMVs of the home jurisdictions** of drivers licensed outside of D.C. to enable those jurisdictions to take action according to their obligations under the interstate Driver License Compact.

*B25-0422 - Automated Traffic Enforcement Effectiveness Amendment Act of 2023*

This bill closes the loophole in traffic enforcement in D.C. whereby infractions linked to automated traffic enforcement (ATE) infrastructure do not result in demerit points and will not necessarily lead to license suspension or other practical penalties. **This is an extremely important initiative**. At present, consequences for tickets from ATE are purely monetary, which is inequitable, and consequences for non-payment are extremely limited, which reduces the deterrent benefit of this infrastructure.

This bill balances the need for an enforcement mechanism with uncertainties inherent in the use of ATE by adopting strategies from other jurisdictions, notably, by creating a rebuttable presumption that an offending vehicle is being driven by its registrant. It

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<sup>1</sup> Masten, SV, RC Peck (2004). “Problem driver remediation: a meta-analysis of the driver improvement literature” in *Journal of Safety Research*, Vol. 35 (4), pp. 403-425. DOI: [10.1016/j.jsr.2004.06.002](https://doi.org/10.1016/j.jsr.2004.06.002).

<sup>2</sup> Calder, RSD (2023). “Re: Evidence basis for interventions in dangerous driving - follow-up to testimony of May 23, 2023”. Letter to Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, Council of the District of Columbia. Available: [bit.ly/DCtraffic2023-06-06](https://bit.ly/DCtraffic2023-06-06).

<sup>3</sup> See e.g., Austermuhle, M (2023). “‘It’s A Terrible System’: D.C. DMV Workers Say Computer Issues Let DUI Convictions Fall Through Cracks” in DCist. Available: <https://dcist.com/story/23/06/15/dc-dmv-workers-say-old-system-misses-driver-dui-issues/>.

also aims to reduce these uncertainties over time by promoting the adoption of technology that can identify the fronts of cars.

This bill aims to leverage market forces to reduce risks by ensuring that insurers have relevant information on the risks posed by the drivers they insure. **This may provide benefits beyond those identified in the introduction to the bill, for example, by allowing insurers to more accurately price risk and reduce premiums for safe drivers.**

This bill could be strengthened by providing for the following:

- A demerit point scheme that reflects the relative severity of offenses. The bill provides for one demerit point per ATE offense regardless of the relative severity of the offense, but **this badly misprices risk by severely underpenalizing more serious offenses.** Risk of death from being hit by a speeding car increases more than linearly with the speed of the car because kinetic energy increases proportionally to the second power of velocity (e.g., doubling the speed of a car increases its kinetic energy by four times). **Empirical statistical analysis demonstrates that risk of pedestrian fatality increases from ~5% at 25 MPH to ~17% at 35 MPH to ~41% at 45 MPH.**<sup>4</sup> Therefore, more excessive speeding should be much more strictly penalized than less excessive speeding.
- A scheme that allows for demerit points to be waived in exchange for actions on the part of offending drivers that create **more tangible benefits** to the District than the completion of a driver improvement program. The bill provides for a mechanism for the DMV to waive demerit points linked to an infraction caught on ATE up to once per 12-month period if the driver submits proof of completion of a traffic safety course. **However, the benefits of these classes are highly uncertain. Most studies have failed to find any benefit in the form of reduced crashes among people who complete driver improvement programs.**<sup>1,5</sup>  
The proposed legislation could be edited to either (i) remove the mechanism for waiving demerit points for drivers who complete driver improvement programs; (ii) allow for demerit points to be waived in exchange for some other type of act, for example, community service; or (iii) use this program to improve the quality of data on the effectiveness of this intervention in the D.C. context, for example, by allowing a fraction of drivers that benefit from this provision to be grouped in the “control” arm of a research study carried out by the D.C. government and/or academic partners. It is possible that such research could uncover types of driver improvement programs that meaningfully reduce risks.

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<sup>4</sup> Rosén, E, H Stigson, U Sander (2011). “Literature review of pedestrian fatality risk as a function of car impact speed” in *Accident Analysis and Prevention*, Vol 43 (1), pp. 25-33. DOI: [10.1016/j.aap.2010.04.003](https://doi.org/10.1016/j.aap.2010.04.003).

<sup>5</sup> Wills, DK (2006). “Remedial Driver Education in Texas: Does It Do Any Good?” Report to the Southwest Region University Transportation Center, United States Department of Transportation. College Station, TX: Texas Transportation Institute, Texas A&M University System. Available: [bit.ly/3M5g41g](http://bit.ly/3M5g41g).

- A **mandatory workflow** subject to oversight from the Council to ensure that **citations, summonses, and other information** on an infraction by a driver licensed outside of D.C. are transmitted to the DMV of the driver’s home jurisdiction to ensure enforcement action per the interstate Nonresident Violator Compact.

*B25-0425 - Strengthening Traffic Enforcement, Education, and Responsibility (“STEER”) Amendment Act of 2023*

This bill empowers the D.C. government to boot cars associated with infractions regardless of the payment status of those infractions. This would end the ability of drivers to effectively pay their way out of the risk of booting for repeated moving violations. **At present, however, the risk of booting is extremely small** and can be avoided by not parking on public streets. As described in my letter of May 8, 2023<sup>6</sup>, the fraction of boot-eligible cars that are actually booted in a given year is less than 5%. Increasing the number of boot-eligible cars would make this fraction even smaller in the absence of increased resources for booting. **The deterrent effect of this initiative is therefore unclear and, on its own, it may be unlikely to meaningfully reduce traffic risks.**

If booting is ultimately retained as a major enforcement mechanism, **it is imperative that booting be pursued according to some principle of priority** where vehicles associated with more numerous and/or severe offenses are targeted first. If, as is the case at present, only a small fraction of boot-eligible cars will be booted, then the D.C. government should be instructed to attempt to boot according to some criterion (e.g., highest number of infractions from exceeding the speed limit by >10 MPH or >20 MPH) instead of purely opportunistically. This however may introduce operational tradeoffs such as booting a lower overall number of cars and so booting as an intervention may be less effective than targeting drivers electronically, e.g., via demerit points and license suspensions.

This bill addresses long-standing reciprocity challenges by empowering the Attorney General to bring civil suits against drivers licensed in other jurisdictions. This may be a **resource-intensive strategy**, and it is unclear how many civil suits would ultimately be pursued. Pursuing enforcement by the DMVs in the home jurisdictions of offending drivers according to the provisions of the **Driver License Compact** (serious offenses) and the **Nonresident Violator Compact** (minor moving violations) to which most states are party may be more feasible. Recently, Virginia withdrew from the latter compact, so civil suits may nevertheless be necessary to pursue Virginia drivers.

This bill directs resources toward the creation of a driver improvement program and provides for the completion of such a program as an alternative to payment of a fine. **This is problematic for two reasons.** First, to the extent that the driver improvement program is expected to yield public safety benefits, **people who can afford to pay a fine can effectively opt out of their responsibility to reduce the risks they pose to the public.** This recapitulates the “two-tiered system of enforcement” criticized in the

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<sup>6</sup> Calder, RSD et al. (2023). “Re: Urgent action needed on traffic violence in Washington, D.C.” Letter to the Council of the District of Columbia. Available: [bit.ly/DCtraffic2023-05-08](https://bit.ly/DCtraffic2023-05-08).

introductory language to the bill. Second, as described in my comments on bill B25-0422, **the public safety benefits of any such program are highly uncertain**, and most studies have failed to find benefits in the form of reduced risk of crash among drivers who complete them. If drivers are given the choice between payment and another penalty, a penalty with more tangible benefits to the District (e.g., community service) would be preferred.

Finally, the bill provides for license suspension under a broader range of circumstances than at present (e.g., while a DUI charge is pending). Similar to the provisions of B25-0421 (“License Suspension Reform”), **this is well targeted at a group of drivers who pose a higher-than-average risk of causing injury and death**. Because license suspensions are generally respected, **this provision is likely to reduce traffic risks**. This provision may deliver the most tangible benefits of the bill as a whole.

*B25-0435 - Fraudulent Vehicle Tag Enforcement Amendment Act of 2023*

This bill addresses the significant risks posed by expired, counterfeit, and obscured vehicle registrations and empowers the D.C. government to intervene to boot and ticket offending vehicles.

The bill could be strengthened by the following:

- Providing for the same penalties for **failing to display a front license plate** as for other offenses (e.g., expired tag or failing to display “any” tag); reporting and anecdotal evidence suggests that failure to display a front license plate is becoming more common, especially on some electric cars.<sup>7,8</sup> A failure to display a front license plate interferes with enforcement and identification of vehicles involved in crimes.

I thank you again for the invitation to provide commentary on the bills currently under your consideration. Please do not hesitate to contact me if you have any further questions. Please also consider that this analysis reflects my own professional opinion and judgment and does not reflect the opinion of Virginia Tech or any other entity.

Sincerely,

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<sup>7</sup> Bentley, A (2023). “Why don’t Teslas have front license plates?” The Press-Enterprise. Riverside, CA: Digital First Media. Available: [bit.ly/3QlaURn](https://bit.ly/3QlaURn).

<sup>8</sup> Lewis, A (2022). “Too cool for a front plate? Tesla owners risk breaking NJ law.” NJ Spotlight News. Englewood, NJ: NJ PBS. Available: [bit.ly/48URZ7g](https://bit.ly/48URZ7g).